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MAY 22 2006

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

**In the Matter of:**

**APPLICATION FOR APPROVAL OF THE TRANSFER )  
OF CONTROL OF ALLTEL KENTUCKY, INC. AND ) CASE NO.  
KENTUCKY ALLTEL, INC. AND FOR ) 2005-00534  
AUTHORIZATION TO GUARANTEE INDEBTEDNESS )**

APPLICANTS' MOTION TO STRIKE LETTER FILED BY  
MOUNTAIN RURAL TELEPHONE COOPERATIVE CORPORATION, INC.

Kentucky Alltel, Inc. ("Kentucky Alltel"), Alltel Kentucky, Inc., Alltel Communications, Inc., Alltel Holding Corp., Valor Communications Group and Alltel Holding Corporate Services, Inc. ("Applicants") move the Commission to strike the letter filed by Mountain Rural Telephone Cooperative Corporation, Inc. ("Mountain Rural") on May 12, 2006 and in support thereof state:

1. On May 12, 2006, Mountain Rural filed a letter with the Commission setting forth unsubstantiated allegations with respect to a dispute between Kentucky Alltel and Mountain Rural. Enclosed with the letter was a complaint by Mountain Rural against Kentucky Alltel regarding the dispute that apparently was tendered to the Commission the same day as the letter.

2. Mountain Rural is not a party to this proceeding. It has neither sought nor been granted intervention. Because it is not a party, Mountain Rural has no right to make filings in this proceeding. Indeed, Mountain Rural did not participate in the final

hearing in this matter or submit any testimony or evidence in support of the allegations in its letter.<sup>1</sup> See, 807 KAR 5:001, Section 1(8) (requiring a “timely motion....”)

3. Mountain Rural's letter contains unsubstantiated and unsworn allegations and pleads facts not in evidence, all of which Applicants have had no opportunity to test through cross-examination or to rebut through testimony by Applicants' own witnesses. Absent such an opportunity, Applicants will be denied due process. *Mayfield Gas Company v. Public Service Commission*, 259 S.W.2d 8, 10-11 (Ky. 1953); *Union Underwear Company v. Scarce*, 896 S.W.2d 7, 9 (Ky. App. 1995) (“Administrative due process does require that cross-examination be guaranteed.”)

4. By Order dated May 17, 2006, the Commission established Case No. 2006-00198 and directed Kentucky Alltel to satisfy or answer Mountain Rural's complaint. Mountain Rural's allegations appropriately are addressed in that proceeding particularly in light of the statutory deadline for issuing an order in this proceeding.

5. Even if Mountain Rural's allegations could be substantiated and were properly before the Commission in this case, they are irrelevant to the issues presented herein. Windstream's financial wherewithal is irrelevant to Mountain Rural's claims, and even if it were relevant, the record in this case demonstrates that Windstream will have substantial annual operating cash flows. Prefiled Testimony of Jeffery Gardner at 8. Additionally, Kentucky Alltel's 2005 financial report on file with the Commission indicates net income more than sufficient to address Mountain Rural's claim in the unlikely event it were to prevail.

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<sup>1</sup> While the Commission previously may have allowed persons who are not parties to appear at the hearing and make unsworn statements, Mountain Rural's counsel did not appear at the April 25, 2006 hearing nor were any statements offered on its behalf during the public comment period.

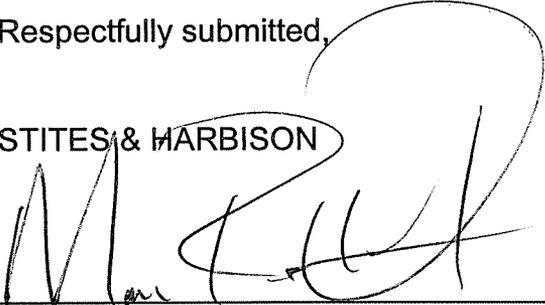
6. Therefore, Mountain Rural's letter is irrelevant to this proceeding, asserts facts not on record in this matter, and is otherwise unsubstantiated. The letter which was filed under the guise of a "brief" should be stricken from the record in this proceeding.

Wherefore, Kentucky Alltel, Inc., Alltel Kentucky, Inc., Alltel Communications, Inc., Alltel Holding Corp., Valor Communications Group and Alltel Holding Corporate Services, Inc. respectfully request the Commission strike the May 12, 2006 letter of Mountain Rural Telephone Cooperative Corporation, Inc.

Dated: May 22, 2006.

Respectfully submitted,

STITES & HARBISON



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served by delivery in open hearing and by U.S. Mail, Postage Prepaid upon:

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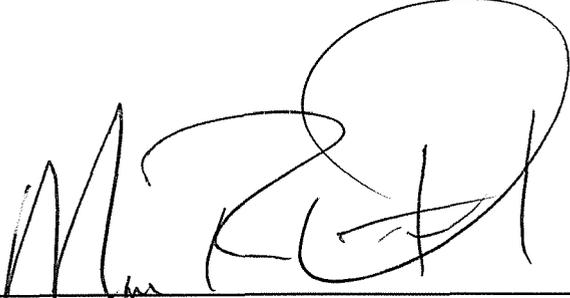
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on this the 22<sup>nd</sup> day of May, 2006.



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